

BILL NO. Z-71-04-2

ZONING MAP ORDINANCE NO. Z-Withdrawn.

AN ORDINANCE amending the City of Fort Wayne
Zoning Maps Nos. C-17, D-17, E-17, C-19,
D-19 and E-19.

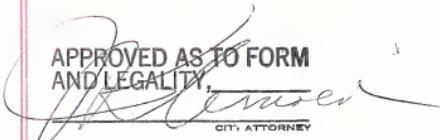
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. A Regional Shopping Center Symbol (B-2) is hereby placed at the junction of St. Joe Center Road and Campus Drive under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereto and by General Ordinance No. G-96; and the City of Fort Wayne Zoning Maps Nos. C-17, D-17, E-17, C-19, D-19 and E-19, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.


Herbert G. Tipton
Councilman

APPROVED AS TO FORM
AND LEGALITY,


J. H. Stevens
CITY ATTORNEY

Read the first time in full and on motion by Tipton seconded by
Geake and duly adopted, read the second time by title and referred
to the (Committee on) Regulations (and to the City Plan
Commission for recommendation) (and Public Hearing to be held after due legal notice,
at the Council Chambers, City Hall, Fort Wayne, Indiana, on _____
the _____ day of _____ 19_____, at _____ o'clock
P.M., E.S.T.

Date: 4-27-71

Fred J. Donahue
City Clerk

Read the third time in full and on motion by _____
seconded by _____ and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES	NAYS	ABSTAINED	ABSENT	to-wit:
Adams	_____	_____	_____	_____
Dunifon	_____	_____	_____	_____
Fay	_____	_____	_____	_____
Geake	_____	_____	_____	_____
Nuckols	_____	_____	_____	_____
Robinson	_____	_____	_____	_____
Rousseau	_____	_____	_____	_____
Steigerwald	_____	_____	_____	_____
Tipton	_____	_____	_____	_____

Date _____
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. 2-
on the _____ day of _____, 19 _____.
ATTEST: (SEAL)

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day
of _____, 19 ____ at the hour of _____ o'clock _____.M.,E.S.T.

City Clerk

Approved and signed by me this _____ day of _____, 19 _____
at the hour of _____ o'clock _____.M.,E.S.T.

Mayor

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 27, 1971, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-71-04-21; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 17, 1971;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the city, and the amendment will be detrimental to and conflicts with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 24, 1971.

Certified and signed this
3rd day of June 1971.

Mary Ann Haynie

Mary Ann Haynie
Secretary

Bill No. Z-71-04-21

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Maps Nos. C-17, D-17, E-17, C-19, D-19 and E-19.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS → be withdrawn

HERBERT G. TIPTON, Chairman

JACK K. DUNIFON, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GEAKE

JOHN H. ROBINSON

—

CONCURRED IN

DATE 6-22-71 FUAD G. BONAHOOM, CITY CLERK

RECEIPT

Nº 68

GENERAL FUND

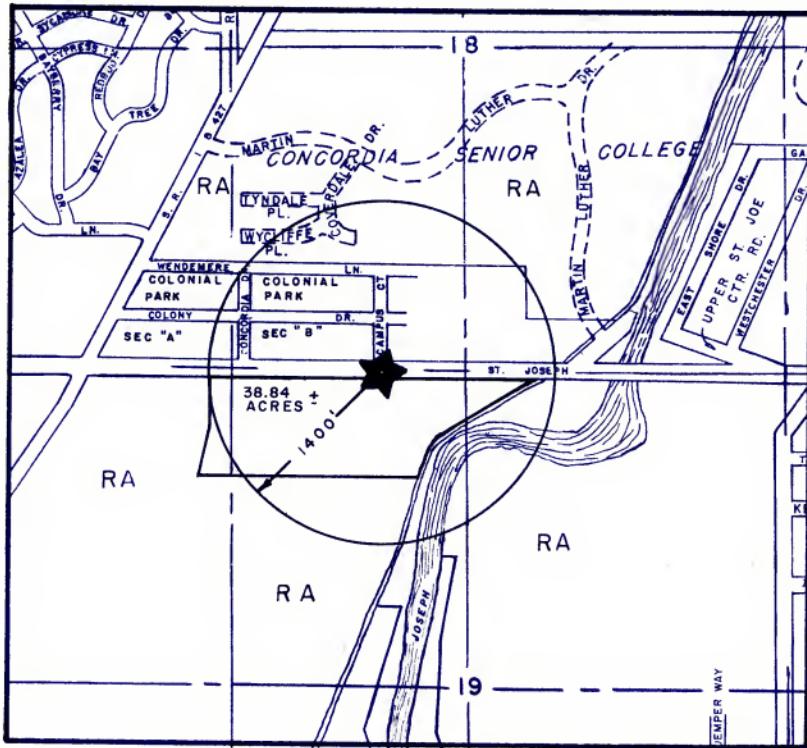
FT. WAYNE, IND.

April 1 1971

RECEIVED FROM Barrett, Barrett & Mc Negny \$ 50 00
THE SUM OF Fifty 1/2 ^{no/100} ₁₀₀ DOLLARS
ON ACCOUNT OF Petitioning Petition, Cramer Farm on
St. Joe Center Rd, & S.R. #27

Nirvana B. Huffman

AUTHORIZED SIGNATURE



TO ESTABLISH A "B2" SHOPPING CENTER SYMBOL

2-71-04-21

TO ESTABLISH A "B-2" SHOPPING CENTER SYMBOL

Come now the undersigned, the owners of more than fifty-one per cent (51%) of the following described real estate, and herewith petition the Fort Wayne Common Council to enact an ordinance establishing a "B2" Shopping Center Symbol at the junction of St. Joe Center Road and Campus Drive.

Edwin C. Rodenbeck, Co. Ex
EDWIN RODENBECK

Edgar Kruse Co. Ex
EDGAR KRUSE

Co-Executors of the Gottlieb Kramer Estate

Dated: 4-1-71

Prepared by: Paul I. Cripe

Checked by: C. Lucas Embrey

1748 COLONY DRIVE
FORT WAYNE, IND. 46825
MAY 12, 1971

CITY PLAN COMMISSION
CITY-COUNTY BUILDING
ONE MAIN STREET
FT. WAYNE, INDIANA

GENTLEMEN:

AS PROPERTY OWNERS OF LOT 13 - SECTION A OF COLONIAL PARK ADDITION WE WOULD LIKE TO EXPRESS SEVERAL PERSONAL OPINIONS REGARDING THE ZONING PETITION TO ESTABLISH A "B2" REGIONAL SHOPPING CENTER SYMBOL AT ST. JOE CENTER ROAD AND CAMPUS DRIVE.

(1) WE REALIZE THAT THE FARM IN QUESTION HAS BEEN BY-PASSED BY THE CITY AND NOW THE LAND IS TOO VALUABLE TO USE AS FARM-LAND.

(2) THE 1000-CAR SHOPPING CENTER WHICH WOULD BORDER ON THE ST. JOE CENTER ROAD IS OUR MAIN OBJECTION.

- a) AS EVIDENCED ALONG NORTH CLINTON, ACROSS FROM THE NORTHCREST SHOPPING CENTER, POLLUTION IN THE FORM OF WASTE PAPER, POP CANS ETC., IS A CERTAINTY, AND MOST OF IT WOULD ACCUMULATE IN THE COLONIAL PARK ADDITION AND TOWNE HOUSE PROPERTY.
- b) SIGNAL LIGHTS WOULD HAVE TO BE INSTALLED TO SERVE THE SHOPPING CENTER, WHICH IN TURN WOULD CAUSE MOTORISTS WHO DESIRED TO BY-PASS THESE LIGHTS AND THE NORTH CLINTON - ST. JOE CENTER INTERSECTION TO USE COLONY DRIVE AND WENDEMERE LANE AS TWO MAJOR TRAFFIC ARTERIES TO GO NORTH ON NORTH CLINTON.
- c) NONE OF THE STREETS ARE CAPABLE OF HANDLING SUCH TRAFFIC AS CAN BE SEEN IN THE CONDITION OF THE CRACKED AND CRUMBLINE ASPHALT.
- d) ANOTHER QUESTION CAN BE RAISED — DO WE NEED ANOTHER SHOPPING CENTER ALONG THIS SECTION OF ROADWAY?

(3) OUR NEIGHBORS, WHO ARE OWNERS OF LOTS 9, 10, AND 11 HAVE HAD THEIR PROPERTY OFFERED FOR SALE AS A RESIDENCE SINCE LAST SEPTEMBER. THIS PROPERTY, BEING AT PRESENT IN A RESIDENTIAL ZONING, BUT BEING ON THE ST. JOE CENTER ROAD ACROSS THE ROAD FROM THE PROPOSED SHOPPING CENTER, WOULD THEN BE PETITIONED FOR REZONING FOR BUSINESS PURPOSES ALSO, AND THE RESIDENTIAL AREA OF COLONIAL PARK WOULD BEGIN TO DETERIORATE. THEN, HOWEVER, THEY WOULD BE ABLE TO SELL THEIR PROPERTY.

THIS IS NOT A LEGAL FORM BY ANY MEANS, BUT SIMPLY
EXPRESSES OUR FEELINGS REGARDING THE PROPOSED "B2" REGIONAL
SHOPPING CENTER SYMBOL PETITION AT ST. JOE CENTER ROAD AND
CAMPUS DRIVE,

THE PROPOSAL FOR SINGLE-DWELLING UNITS, TOWN HOUSES, ETC.
FOR THE MAJOR PORTION OF THE LAND IN QUESTION DOESN'T CAUSE
AS MUCH PERSONAL CONCERN AS DOES THE 1000-CAR SHOPPING CENTER.

THANK YOU FOR READING OUR LETTER, AND PLEASE CONSIDER
A FEW OF THESE ITEMS WHEN YOU VOTE ON THE MATTER.

RESPECTFULLY YOURS,

Arthur E. Schwab
Hildegard Schwab

1632 Colony Drive
Fort Wayne, Indiana
May 14, 1971

City Plan Commission
City-County Building
One Main Street
Fort Wayne, Indiana

Subject: Petition to establish a "B2"
Regional Shopping Center Symbol
at St. Joe Center Road and
Campus Drive.

Gentlemen:

As property owners and residents of Colonial Park, Section A, we wish to set forth the following reasons why we believe the City Plan Commission should reject the above subject petition:

1. The need for such proposed center cannot be justified with the existing Riviera Plaza Shopping Center, located at St. Joe Center and St. Joe Roads, and Northcrest Shopping Center within one mile distance. In addition, a regional shopping center symbol has been designated on No. Clinton Street near its intersections with Washington Center Road and Colony Dr.
2. It is recognized that such symbol would unquestionably hasten rezoning of present residential property at the corner of Concordia Drive and St. Joe Center Road.
3. Auto traffic would become dangerously burdensome with the establishment of the proposed shopping center.
4. With establishment of a business area, residential property in the immediate vicinity will become more vulnerable to burglary and vandalism.

We believe the above enumerated reasons have taken into consideration all of the changing circumstances and business needs of the community. Therefore, we urgently request that this proposal be rejected by the City Plan Commission of Fort Wayne.

Respectfully yours,

Howard E. Pond, Jr.
Howard E. Pond, Jr.

Fauneil M. Pond
Fauneil M. Pond (Mrs. Howard E.)

May 14, 1971

Regarding:

Petition to establish a B2 Regional Shopping Center
Symbol at St. Joe Center Road and Campus Drive.

Gentlemen:

I would like to be on record as opposing the petition for a symbol change at this location. The traffic in this area is already a problem with the Clinton intersection already taxed to capacity at certain times of the day. Incidentally, there are several accidents a week at this intersection.

We, in this area are in no need of another Shopping Center. We have Northcrest plus Riviera Plaza with another started, Parker Place.

I fail to see how this proposed Symbol Change would be of any benefit.

I stand opposed.

Richard J. Galli
Richard J. Galli
1728 Wendmere Lane.
Fort Wayne, Indiana
46825

C O L O N I A L P A R K A S S O C I A T I O N , I N C .

May 12, 1971

City Plan Commission
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen:

The Board of Directors of Colonial Park Association, Inc.,
Fort Wayne, Indiana, at a specially called meeting held on May 10, 1971,
to consider the proposed development of the real estate known as the
Kramer Farm on St. Joe Center Road, in connection with the notice
from the City Plan Commission of a public hearing on a zoning
amendment at St. Joe Center Road and Campus Drive to be held on
May 17, 1971, adopted the following resolution:

RESOLVED: The best interests of the Colonial Park Addition and
surrounding neighborhoods will not be served by the granting of the
B-2 shopping center zoning in the requested location for the
following reasons:

1. At the present time within a $1\frac{1}{2}$ mile distance there exist
five shopping center zonings, two of which are constructed
and in operation. The centers in operation are Northcrest
Shopping Center and Riviera Plaza, located at the intersection
of St. Joe and St. Joe Center Road. The Board has been
informed that construction of the area zoned B-1-B at the
approximate intersection of North Clinton Street and Washington
Center Road (northwest corner) is to begin in the very near
future. No action has been taken to date insofar as the Board

is informed, on the development of the shopping center symbol B-2, which has been granted on the southeast corner of St. Joe and St. Joe Center Road, or of the B-2-A symbol granted at the intersection of Auer Drive and St. Joe Road (the north end of Canterbury Green). In addition, Glenbrook and the K-Mart shopping areas are approximately only another half mile away. Because of the existence of these numerous commercial zonings in the area at the present time, there would appear to be no need for any additional rezoning for shopping center purposes.

2. The second major consideration concerns the increased adverse traffic conditions that would be occasioned by the placing of three entrance/exits on the south side of St. Joe Center Road. The terrain of the road from west to east is such that traffic exiting from the middle exit or crossing into the middle exit from the north side of the road could not be observed until one was almost upon the middle entrance/exit. The proposal of the developers for a 1,000 car parking lot immediately adjacent to the south edge of St. Joe Center Road in front of the shopping center can only but serve to create a substantial traffic hazard. Already automobile traffic has begun to route itself through the Colonial Park Addition rather than staying on St. Joe Center Road, in order to avoid an unreasonable traffic congestion at the intersection of North Clinton Street (Route 427) and the

St. Joe Center/Washington Center Roads. The streets of the Addition, although part of the city, are not so constructed to handle the additional traffic that would direct itself through the Addition with the construction of the proposed shopping center.

3. The Board further believes that, with the addition of the commercial enterprise proposed immediately across the road from the residential area, any aesthetic residential values would be lost with the installation of fixtures, appliances, and other equipment necessary in such a commercial development.
4. Finally, the Association is concerned about eventual leapfrogging of the commercial zoning to the north side of the St. Joe Center Road in the residential area and the increased possibility of criminal activity in the residential area induced by the commercial development.

In summary, the Association would not oppose a residential development in keeping with the area, but is opposed to commercial development such as is being requested at the present time.

Sincerely yours,

COLONIAL PARK ASSOCIATION, INC.

Wilbert C. Nouser
Ralph J. Schmidle
George C. Knott
Robert R. Wilkening
BOARD OF DIRECTORS

COLONIAL PARK ASSOCIATION, INC.

May 12, 1971

City Plan Commission
City-County Building
One Main Street
Fort Wayne, Indiana 46302

Gentlemen:

The Board of Directors of Colonial Park Association, Inc., Fort Wayne, Indiana, at a specially called meeting held on May 10, 1971, to consider the proposed development of the real estate known as the Kramer Farm on St. Joe Center Road, in connection with the notice from the City Plan Commission of a public hearing on a zoning amendment at St. Joe Center Road and Campus Drive to be held on May 17, 1971, adopted the following resolution:

RESOLVED: The best interests of the Colonial Park Addition and surrounding neighborhoods will not be served by the granting of the B-2 shopping center zoning in the requested location for the following reasons:

1. At the present time within a $1\frac{1}{2}$ mile distance there exist five shopping center zonings, two of which are constructed and in operation. The centers in operation are Northcrest Shopping Center and Riviera Plaza, located at the intersection of St. Joe and St. Joe Center Road. The Board has been informed that construction of the area zoned B-1-B at the approximate intersection of North Clinton Street and Washington Center Road (northwest corner) is to begin in the very near future. No action has been taken to date insofar as the Board

is informed, on the development of the shopping center symbol B-2, which has been granted on the southeast corner of St. Joe and St. Joe Center Road, or of the B-2-A symbol granted at the intersection of Auer Drive and St. Joe Road (the north end of Canterbury Green). In addition, Glenbrook and the K-Mart shopping areas are approximately only another half mile away. Because of the existence of these numerous commercial zonings in the area at the present time, there would appear to be no need for any additional rezoning for shopping center purposes.

2. The second major consideration concerns the increased adverse traffic conditions that would be occasioned by the placing of three entrances/exits on the south side of St. Joe Center Road. The terrain of the road from west to east is such that traffic exiting from the middle exit or crossing into the middle exit from the north side of the road could not be observed until one was almost upon the middle entrance/exit. The proposal of the developers for a 1,000 car parking lot immediately adjacent to the south edge of St. Joe Center Road in front of the shopping center can only but serve to create a substantial traffic hazard. Already automobile traffic has begun to route itself through the Colonial Park Addition rather than staying on St. Joe Center Road, in order to avoid an unreasonable traffic congestion at the intersection of North Clinton Street (Route 427) and the

St. Joe Center/Washington Center Roads. The streets of the Addition, although part of the city, are not so constructed to handle the additional traffic that would direct itself through the Addition with the construction of the proposed shopping center.

3. The Board further believes that, with the addition of the commercial enterprise proposed immediately across the road from the residential area, any aesthetic residential values would be lost with the installation of fixtures, appliances, and other equipment necessary in such a commercial development.
4. Finally, the Association is concerned about eventual leapfrogging of the commercial zoning to the north side of the St. Joe Center Road in the residential area and the increased possibility of criminal activity in the residential area induced by the commercial development.

In summary, the Association would not oppose a residential development in keeping with the area, but is opposed to commercial development such as is being requested at the present time.

Sincerely yours,

COLONIAL PARK ASSOCIATION, INC.

Wilbert C. Houser

Ralph G. Schimmele

George C. Hiatt

Robert R. Wilkening

AMERICAN BUSINESS

May 21, 1971

3. Bill No. Z71-04-20

It is the recommendation of this Committee that this ordinance be returned to the Common Council with the recommendation that it DO NOT PASS for the following reasons:

REASONS:

1. This change would conflict with the Land Use Plan and the adjacent residential uses while only benefiting the petitioners.
2. DeWald Street, designated as a residential street, has neither the proper right-of-way or improvements for commercial uses.
3. All the surrounding area is zoned residential.

4. Bill No. Z71-04-21

It is the recommendation of this Committee that this ordinance be returned to the Common Council with the recommendation that it DO NOT PASS for the following reasons:

REASONS:

1. There are existing regional shopping centers within $1\frac{1}{2}$ miles that can serve the residential needs in this area.
2. There are two neighborhood shopping center symbols $\frac{1}{2}$ mile east that have not developed apparently because of lack of tenants.
3. Additional conflicting traffic movements into a shopping center of this size would impede the smooth flow of traffic on this road, thereby defeating the reason for this four lane improvement.
4. That this area along with the McKay property should be developed under the Planned Unit Development Ordinance as a long range plan.

Respectfully submitted,

Dale Doehrman, Chairman
Zoning Map Amendment Committee

BARRETT, BARRETT & McNAGNY

LAWYERS

THIRD FLOOR LINCOLN BANK TOWER

FORT WAYNE, INDIANA

46802

JAMES M. BARRETT, JR.
MENTOR KRAUS
J. AI BRUGGEMAN
WILLIAM F. McNAGNY
JAMES M. BARRETT III
J. MICHAEL O'HARA
MILES C. GERBERG
PAUL S. STEIGEMAYER
JOHN M. CLIFTON, JR.
P. MICHAEL MILLER
DOUGLAS E. MILLER
ROBERT S. WALTERS
JOHN F. LYONS

JAMES M. BARRETT 1929
PHIL M. McNAGNY 1969
OTTO E. GRANT, JR. 1988,

TELEPHONE 742-4301
AREA CODE 219

June 10, 1971

Clerk of the Common Council
for the City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

In Re: Zoning Ordinance No. Z-71-04-21

Gentlemen:

O As attorney for the petitioners in the above rezoning
case, I am herewith requesting that our petition together
with the ordinance thereto be withdrawn from any further
consideration by the Common Council.

P Very truly yours,

BARRETT, BARRETT & McNAGNY

Y J. Michael O'Hara

JMO:bl

CC: Herbert G. Tipton
Chairman, Regulations Committee
Fort Wayne City Council
6302 Donna Road
Fort Wayne, Indiana 46809

MEMO to

DATE 5-13-71

City Plan Commission

From DR. DAVID J. LUDWIG

REPLY REQUESTED

Re: PETITION TO ESTABLISH A "B2" REGIONAL
SHOPPING CENTER SYMBOL AT ST. JOE CENTER RD.
AND CAMPUS DRIVE.

I AM FIRMLY OPPOSED TO THIS PETITION
AS A RESIDENT OF COLONIAL PARK. IF THIS
PETITION IS APPROVED, IT WILL BE FURTHER EVIDENCE
OF "SPOT ZONING" AND FAILURE OF THE PLANNING
COMMISSION TO PRESENT A UNIFIED PLAN FOR
FURTHER DEVELOPMENT OF THE FT. WAYNE AREA.

IT IS INCONCEIVABLE TO ME, IN THIS AGE
OF MOBILITY, TO PUT SMALL COLLECTIONS OF SHOPS
ALL OVER THE PLACE WITH THE RESULTING
VISUAL POLLUTION AND TRAFFIC HAZARD. IT
WOULD SEEM MUCH MORE BENEFICIAL (AND
BEAUTIFYING) TO ESTABLISH ^{ONE} COMMERCIAL "CENTER"
RATHER THAN 6 INDIVIDUAL SHOPPING AREAS
FOR THIS IMMEDIATE COMMUNITY.

THANK YOU FOR CONSIDERING MY CONCERN -



Dr. David J. Ludwig